

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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GAILAN O. SMITH,

Petitioner,

Case No. 2:05-CV-52

v.

HON. GORDON J. QUIST

JERI-ANN SHERRY,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on August 8, 2007. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge, filed August 8, 2007 (docket no. 22), is **APPROVED AND ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus is **DENIED**.

**IT IS FURTHER ORDERED** that a **certificate of appealability** is **DENIED**.

This case is **concluded**.

Dated: September 4, 2007

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE